



Rhett O. Millsaps II | rhett@lex-lumina.com | 646.535.1137

June 2, 2025

VIA ECF

The Honorable Denise L. Cote
United States District Court
500 Pearl Street, Room 1910
New York, NY 10007

Re: *American Federation of Government Employees, AFL-CIO, et al v. U.S. Office of Personnel Management, et al., 25-cv-1237-DLC*

Dear Judge Cote:

The parties submit this joint status letter in accordance with the agreement on the record at the end of the hearing last Thursday, May 29, on Plaintiffs' motion for a preliminary injunction. The parties met and conferred. Plaintiffs are willing to negotiate terms for a non-appealable consent order to resolve the motion without requiring a ruling from the Court. Defendants will not agree to any non-appealable consent order in this case. Accordingly, the parties are unable to reach a negotiated resolution and request that the Court rule on Plaintiffs' motion for a preliminary injunction.

If the Court rules in favor of Plaintiffs, the parties are prepared to submit their respective proposed terms for the preliminary injunction in short order, should the Court invite them to do so.

Respectfully submitted,

/s/ David E. Farber

Assistant U.S. Attorney for the
Southern District of New York

Counsel for Defendants

/s/ Rhett O. Millsaps II

Counsel for Plaintiffs